

**Brookline Board of Appeals
February 11, 2016, 7:00 PM
Public Hearing**

**333 Washington Street
6th Floor Selectmen's Hearing Room**

Board Members Present: Jesse Geller (Chairman), Jonathan Book, Mark Zuroff
Staff Present: Jay Rosa (Planning Department)

683 Boylston Street

Proposal: Construct a two-story rear addition

Zoning District: S-15 (Single-Family)

Precinct: 14

Board Decision: Relief request **granted**, subject to conditions

40 Norfolk Road

Proposal: Move an existing garage and construct a two-story addition connecting the garage with a single-family dwelling

Zoning District: S-10 (Single-Family)

Precinct: 13

Board Decision: Relief request **granted**, subject to conditions

Minutes shall be posted on the Town of Brookline website (<http://www.brooklinema.gov/564/Zoning-Board-of-Appeals>) upon approval. Draft minutes shall be made available upon request.

Decisions shall be posted on the Town of Brookline website (www.brooklinema.gov). Appeals, if any, shall be filed with land court or superior court within twenty days after the date of filing of such notice in the office of the town clerk.

**Brookline Board of Appeals
February 11, 2016, 7:00 PM
Public Hearing**

**333 Washington Street
6th Floor Selectmen's Hearing Room**

Board Members Present – Avi Liss (Chairman), Christopher Hussey, Kate Poverman
Staff Present – Jay Rosa (Planning Dept.)

7:00PM

683 Boylston Street – Construct a two-story rear addition

Board Chairman Liss opened the hearing and called case #2015-0063. Mr. Liss reviewed standard hearing procedure.

The property owner Ishad Sideeka, of 683 Boylston Street waived the reading of public hearing notice for the record and introduced project architect Johan Hagan of 60 Dracut Street, Boston, MA. Mr. Sideeka stated that he is requesting to construct a two-story addition at the rear of the existing home totaling 200 square feet. This addition will create a new entrance, powder room, and closet area. Mr. Sideeka stated that wood clapboard and asphalt shingle will be used to construct the addition and is intended to match a previously constructed addition near the rear.

Board Chairman Liss requested that the Petitioner further detail the requested setback relief.

Mr. Sideeka stated that the S-15 zoning district requires a 40 foot rear yard setback, which the property does not currently comply with (32.1 feet). Mr. Sideeka further described the addition as an “infill” project that is 14.5 feet wide and only reduces the rear yard setback to 31.7 feet. Mr. Sideeka also confirmed that the resulting gross floor area from this addition is well below that which is allowed for the district.

Board Member Kate Poverman requested that the applicant further describe landscaping or planting features proposed to serve as counterbalancing amenity for the requested setback relief.

Project Architect John Hagan stated that a small tree will be installed to the north of the proposed addition in order to serve as a visual screen.

Board Member Christopher Hussey suggested that a more detailed landscaping plan that includes planting types and heights be submitted if the proposal is approved by the Board.

Ms. Poverman questioned if the proposed clapboard will actually be wood. Mr. Hagan confirmed that painted white wood clapboard would be used for the exterior of the proposed addition.

Board Chairman Liss called for public comments in favor of, or in opposition to, the Petitioner's proposal.

Naren Gupta of 4 Fisher Avenue stated that he owns the property directly to the east of 683 Boylston Street. Mr. Gupta stated that he was not opposed to the modest addition but was concerned about construction vehicles because they have parked in front of his property in the past when working at the subject property. Mr. Gupta also stated that he frequently had to pick up trash left by these construction workers. For these reasons, Mr. Gupta requested that the Board consider

imposing a condition that requires all construction vehicles to park in the 683 Boylston Street driveway or to the north of his property on Fisher Avenue.

No members of the public spoke in opposition.

Board Chairman Liss requested that Zoning Coordinator Jay Rosa review the findings of the Planning Board and Building Department. Mr. Rosa stated that the Planning Board unanimously supported this two-story rear addition. The floor area increase is modest and really only provides expanded closet and bathroom space. Board Members also supported the clapboard building material as it is commonly used for additions to brick colonial style structures in the Fisher Hill area. The Planning Board did recommend that final floor plans more clearly outline existing and proposed floor area. Therefore, the Planning Board recommended approval of floor plans and elevations submitted by John Hagan, dated 7/1/2015, and the site plan submitted by George C. Collins, dated 7/1/2015, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, elevations, and floor plans that clearly indicate existing and proposed floor area, subject to review and approval by the Assistant Director for Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan indicating all counterbalancing amenities.
3. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final floor plans and elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Mr. Rosa further stated that the Building Department also has no objection to the relief as requested. The rear setback relief is minimal and represents a pre-existing nonconformity. The addition is not easily visible from surrounding areas and the petitioner is also proposing the installation of landscaped features to further screen the proposed addition.

Board Deliberation

Board Member Hussey supported the Planning Board recommendation that final floor plans and elevations should more clearly indicate existing and proposed floor area. Mr. Hussey was in favor of the setback relief as requested.

Board Member Poverman concurred with Mr. Hussey and further stated that the proposed addition is modest in size and she believed that special permit standards are satisfied in accordance with Zoning By-Law Section 9.05 and 5.43.

Board Chairman Liss stated that requested setback relief is minimal and will allow Mr. Sideeka to construct a modest addition that will have limited impact on the surrounding neighborhood. Mr. Liss was also satisfied that the standards for the grant of a special permit are satisfied. Mr. Liss also supported recommended conditions from the Planning Board.

Unanimous Board grant of requested relief, subject to conditions stated for the record.

40 Norfolk Road – Move an existing garage and construct a two-story addition connecting the garage with a single-family dwelling

Board Chairman Liss called case #2015-0069 and reviewed standard hearing procedure.

The Petitioner's Attorney, Robert Allen of the Law Office of Robert Allen, located at 300 Washington St, Brookline, MA waived a reading of public hearing notice for the record and introduced property owner Steve Luby and project architect Kent Duckham. Attorney Allen stated that the property owner purchased this double lot within the last year and worked closely with the Preservation Commission to redesign the carriage house/garage because the property is located within the Chestnut Hill North Local Historic District. The plans before the Board, which propose the relocation of the garage away from southeastern lot line, and connecting the garage to the primary structure via a 1 and ½ story addition, were approved by the Preservation Commission in December of 2015. Attorney Allen stated that the Preservation Commission often does not support attached carriage houses but appreciated the property owner's goal to significantly renovate and restore the structure with a clear attention to historic detail.

Attorney Allen stated that the Building Department interprets the southeastern lot line in question to be a rear yard due to a private way that provides access to the rear of the property from Circuit Road. Attorney Allen further stated that the relocation of the garage away from this lot line actually improves the non-conforming condition.

Project Architect Kent Duckham, of Duckham Architecture and Interiors located at 53 Central Street, Needham, MA, reviewed the existing condition of the property and highlighted how proposed alterations to both the garage and the primary structure impact rear and side yard setbacks. Mr. Duckham stated that the garage was constructed around 1905 on piers and wooden floors. The current condition of this foundation is poor and will be reinforced to better support vehicular storage. Mr. Duckham stated that the Preservation Commission strongly encouraged that any alterations maintain the spatial relationship between these two structures, thus requiring the span of the proposed addition in order to physically connect the single-family dwelling to the garage.

Board Chairman Liss questioned if the carriage house would be considered as an attached garage following proposed work and if the rear portion of this garage is the only portion of the structure that would triggering the need for setback relief.

Mr. Luby provided a rendering of the project to the Board. Mr. Luby confirmed that the proposal will create an attached garage. Mr. Luby also stated that only the rear portion of the garage requires rear yard setback relief.

Board Member Hussey questioned if second floor office space included on submitted floor plans will exclusively be used as a personal home office.

Mr. Luby stated that the office should more accurately be labeled as a study because it is intended for personal use.

Attorney Allen stated that the carriage house and addition proposal complies with all side-yard setback requirements and the requested zoning relief for the non-conforming rear-yard setback may be granted by the Board via special permit under Zoning By-Law Section 5.43 if counterbalancing amenity is provided. Attorney Allen submitted a landscaping plan to the Board and specifically noted that existing trees along the rear lot line in question will be maintained and enhanced by modest new plantings. Attorney Allen also highlighted the fact that the size of the

double lot itself, along with vegetative screening, effectively minimizes the impact of this project on abutting residents.

Attorney Allen concluded his comments by reviewing project compliance with the standards for the grant of a special permit in accordance with Zoning By-Law Section 9.05 and restated that the Town of Brookline often encourages restoration projects such as this.

Board Chairman Liss called for public comment in favor of, or in opposition to, the Petitioner's proposal.

No members of the public commented on the proposal.

Mr. Liss requested that Zoning Coordinator Jay Rosa review the findings of the Planning Board and Building Department. Mr. Rosa stated that the Planning Board unanimously supported the carriage house relocation. The Petitioner worked extensively with the Preservation Commission to design an addition that complements the existing historic structure while also improving functionality for the property owner. Board Members recommended that existing trees along the rear lot line in question be preserved and enhanced by new landscaping features.

Therefore, the Planning Board recommended approval of the site plan by Everett M. Brooks, dated 12/16/2015, and the plans by Duckham Architecture & Interiors, last dated 12/1/2015, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations subject to the review and approval of the Preservation Commission staff and the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscape plan indicating all counterbalancing amenities subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Mr. Rosa further stated that the requested setback relief represents an alteration to the pre-existing non-conforming rear yard setback. Mr. Rosa acknowledged that the subject property is somewhat unique because the southeastern lot line is interpreted to be a rear yard due to the private way accessing the property from Circuit Road thus requiring the 30 foot setback in this immediate area as opposed to a 10 foot side yard setback for the S-10 district. Mr. Rosa confirmed that should the Board find that the requirements for a special permit are met the building department has no objection to the relief as requested and will work with the petitioner to ensure compliance.

Board Deliberation

Board Member Poverman expressed concern that the attached carriage house and finished space above could easily be converted to create an in-law apartment or separate dwelling unit. Ms. Poverman also questioned why the new addition that will connect the the primary structure to the garage is two stories rather than one.

Attorney Allen stated that the Petitioner intends to use the addition and space above the garage for “casual space” and or a game room. Any future conversion to an in-law apartment would require a variance from the Board of Appeals.

Mr. Luby further stated that the majority of the interior space of the existing home is historic and “formal”. Living space above the garage is an opportunity to incorporate more recreation space for his family. Mr. Luby also stated that much of the design of the addition was driven by Preservation Commission recommendation, specifically to maintain the spatial relationship between these structures and incorporate an addition that complements the character of the existing historic structure. Mr. Luby noted that he has no intention to install additional bedrooms in the home or above the garage and his incorporation of historic design elements, as recommended by the Preservation Commission, result in a significantly more complex and expensive project.

Board Member Poverman was satisfied that the scope of the proposed addition results from the goal to maintain the historic quality of the property as much as possible rather than potential use conversions that may not be permitted within a single-family district.

Board Member Hussey stated support for the Petitioner’s proposal and believed that the standards for the grant of a special permit are met in accordance with Zoning By-Law Section 9.05.

Board Chairman Liss concurred with these Board comments and recognized the Petitioner’s collaboration with the Preservation Commission in reaching this design. Mr. Liss agreed that preservation related goals have dictated these proposed alteration and the resulting 10.5 feet rear yard setback is an improvement from the existing 4.4 foot setback from a zoning standpoint. Mr. Liss also stated that special permit standards under By-Law Section 9.05 are appropriately satisfied as are counterbalancing amenity requirements in accordance with By-Law Section 5.43.

Unanimous Board grant of requested relief, subject to conditions stated for the record.

Unanimous Board approval of 2/4/16 draft hearing minutes.

Hearing Closed.